

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

MICHAEL TERRANCE WARD,

Plaintiff,

v.

SCOTT BERRY, *et al.*,

Defendants.

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No. 3:10-CV-78 (CAR)

ORDER ON MAGISTRATE JUDGE'S RECOMMENDATION

This matter comes before the Court on the United States Magistrate Judge's Recommendation [Doc. 31] that the remaining Defendants' unopposed Motion to Dismiss [Doc. 25] be granted. On May 9, 2011, the Magistrate Judge issued an Order directing Plaintiff to respond to Defendants' Motion to Dismiss. On that same day, the Magistrate Judge also issued a Show Cause Order, directing Plaintiff to respond by May 31, 2011, as to why this case should not be dismissed based on Plaintiff's failure to keep the Clerk and Defendants apprised of his current address. Both of these Orders were returned as undeliverable. The returns showed that Plaintiff had been paroled. As a result of Plaintiff's failure to update his address with Defendants and the Court, Defendants' Motion to Dismiss stands unopposed, and Plaintiff has not filed any objection to the Magistrate Judge's Recommendation. Having reviewed de novo the Recommendation, the Court agrees with the Magistrate Judge's recommendation that Defendants' Motion to Dismiss be granted. Accordingly, the Magistrate Judge's Recommendation is **HEREBY ADOPTED AND MADE THE ORDER OF THE COURT**. Respondent's Motion to Dismiss [Doc. 25] is hereby **GRANTED**. Plaintiff's action is **DISMISSED** with prejudice.

The Magistrate Judge advised Plaintiff at the commencement of this case of his obligation to diligently prosecute this action. The Magistrate Judge also warned Plaintiff that his case could be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure if he failed to meet that obligation. Plaintiff failed to meet that obligation. He failed to provide the Court or Defendants with an updated address. As a result, he failed to respond to the Motion to Dismiss, the Magistrate Judge's Order directing him to respond to the Motion to Dismiss, and the Magistrate Judge's Show Cause Order. Based on Plaintiff's failure to prosecute this action and comply with several Orders, dismissal under Rule 41(b) is the appropriate action at this time.

In accordance with the Recommendation of the United States Magistrate Judge, Defendants' Motion to Dismiss [Doc. 25] is **GRANTED**. Plaintiff's claims are **DISMISSED** with prejudice.

The Clerk is directed to serve the plaintiff at the **LAST ADDRESS** provided by him.

SO ORDERED this 3rd day of June, 2011.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

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